

Introduced by Senator Strickland

February 24, 2009

An act to amend Section 61105 of the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 263, as introduced, Strickland. Local government: community service districts.

Existing law, the Community Services District Law, authorizes the establishment of community services districts to provide various services to the geographic area within each district, and further authorizes specified community services districts that own roads that are not formally dedicated to, or kept open for use by, the public for the purpose of vehicular travel, to limit access to those roads to the landowners and residents of that district.

This bill would include the Santa Rita Hills Community Services District as one of the specified community services districts authorized to limit access to roads it owns to the landowners and residents of that district.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 61105 of the Government Code is
- 2 amended to read:
- 3 61105. (a) The Legislature finds and declares that the unique
- 4 circumstances that exist in certain communities justify the
- 5 enactment of special statutes for specific districts. In enacting this

1 section, the Legislature intends to provide specific districts with
2 special statutory powers to provide special services and facilities
3 that are not available to other districts.

4 (b) (1) The Los Osos Community Services District may borrow
5 money from public or private lenders and loan those funds to
6 property owners within the district to pay for the costs of
7 decommissioning septic systems and constructing lateral
8 connections on private property to facilitate the connection of those
9 properties to the district's wastewater treatment system. The district
10 shall lend money for this purpose at rates not to exceed its cost of
11 borrowing and the district's cost of making the loans. The district
12 may require that the borrower pay the district's reasonable
13 attorney's fees and administrative costs in the event that the district
14 is required to take legal action to enforce the provisions of the
15 contract or note securing the loan. The district may elect to have
16 the debt payments or any delinquency collected on the tax roll
17 pursuant to Section 61116. To secure the loan as a lien on real
18 property, the district shall follow the procedures for the creation
19 of special tax liens in Section 53328.3 of this code and Section
20 3114.5 of the Streets and Highways Code.

21 (2) (A) Except as otherwise provided in this paragraph, on and
22 after January 1, 2007, the Los Osos Community Services District
23 shall not undertake any efforts to design, construct, and operate a
24 community wastewater collection and treatment system within, or
25 for the benefit of, the district. The district shall resume those
26 powers on the date specified in any resolution adopted pursuant
27 to subdivision (j) of Section 25825.5.

28 (B) Nothing in this paragraph shall affect the district's power
29 to do any of the following:

30 (i) Operate wastewater collection and treatment facilities within
31 the district that the district was operating on January 1, 2006.

32 (ii) Provide facilities and services in the territory that is within
33 the district, but outside the prohibition zone.

34 (iii) Provide facilities and services, other than wastewater
35 collection and treatment, within the prohibition zone.

36 (C) Promptly upon the adoption of a resolution by the Board of
37 Supervisors of the County of San Luis Obispo requesting this
38 action pursuant to subdivision (h) of Section 25825.5, the district
39 shall convey to the County of San Luis Obispo all retained
40 rights-of-way, licenses, other interests in real property, funds, and

1 other personal property previously acquired by the district in
2 connection with construction projects for which the district awarded
3 contracts in 2005.

4 (c) The Heritage Ranch Community Services District may
5 acquire, construct, improve, maintain, and operate petroleum
6 storage tanks and related facilities for its own use, and sell those
7 petroleum products to the district's property owners, residents,
8 and visitors. The authority granted by this subdivision shall expire
9 when a private person or entity is ready, willing, and able to
10 acquire, construct, improve, maintain, and operate petroleum
11 storage tanks and related facilities, and sell those petroleum
12 products to the district and its property owners, residents, and
13 visitors. At that time, the district shall either (1) diligently transfer
14 its title, ownership, maintenance, control, and operation of those
15 petroleum tanks and related facilities at a fair market value to that
16 private person or entity, or (2) lease the operation of those
17 petroleum tanks and related facilities at a fair market value to that
18 private person or entity.

19 (d) The Wallace Community Services District may acquire,
20 own, maintain, control, or operate the underground gas distribution
21 pipeline system located and to be located within Wallace Lake
22 Estates for the purpose of allowing a privately owned provider of
23 liquefied petroleum gas to use the underground gas distribution
24 system pursuant to a mutual agreement between the private
25 provider and the district or the district's predecessor in interest.
26 The district shall require and receive payment from the private
27 provider for the use of that system. The authority granted by this
28 subdivision shall expire when the Pacific Gas and Electric
29 Company is ready, willing, and able to provide natural gas service
30 to the residents of Wallace Lake Estates. At that time, the district
31 shall diligently transfer its title, ownership, maintenance, control,
32 and operation of the system to the Pacific Gas and Electric
33 Company.

34 (e) The Cameron Park Community Services District, the El
35 Dorado Hills Community Services District, the Golden Hills
36 Community Services District, the Mountain House Community
37 Services District, the Rancho Murieta Community Services District,
38 the Salton Community Services District, the Stallion Springs
39 Community Services District, and the Tenaja Meadows Community
40 Services District, which enforced covenants, conditions, and

1 restrictions prior to January 1, 2006, pursuant to the former Section
2 61601.7 and former Section 61601.10, may continue to exercise
3 the powers set forth in the former Section 61601.7 and the former
4 Section 61601.10.

5 (f) The Bear Valley Community Services District, the Bell
6 Canyon Community Services District, the Cameron Estates
7 Community Services District, the Lake Sherwood Community
8 Services District, the Saddle Creek Community Services District,
9 ~~and the Wallace Community Services District,~~ *and the Santa Rita*
10 *Hills Community Services District* may, for roads owned by the
11 district and that are not formally dedicated to or kept open for use
12 by the public for the purpose of vehicular travel, by ordinance,
13 limit access to and the use of those roads to the landowners and
14 residents of that district.

15 (g) Notwithstanding any other provision of law, the transfer of
16 the assets of the Stonehouse Mutual Water Company, including
17 its lands, easements, rights, and obligations to act as sole agent of
18 the stockholders in exercising the riparian rights of the
19 stockholders, and rights relating to the ownership, operation, and
20 maintenance of those facilities serving the customers of the
21 company, to the Hidden Valley Community Services District is
22 not a transfer subject to taxes imposed by Part 11 (commencing
23 with Section 23001) of Division 2 of the Revenue and Taxation
24 Code.

25 (h) The El Dorado Hills Community Services District and the
26 Rancho Murieta Community Services District may each acquire,
27 construct, improve, maintain, and operate television receiving,
28 translating, or distribution facilities, provide television and
29 television-related services to the district and its residents, or
30 authorize the construction and operation of a cable television
31 system to serve the district and its residents by franchise or license.
32 In authorizing the construction and operation of a cable television
33 system by franchise or license, the district shall have the same
34 powers as a city or a county under Section 53066.

35 (i) The Mountain House Community Services District may
36 provide facilities for television and telecommunications systems,
37 including the installation of wires, cables, conduits, fiber optic
38 lines, terminal panels, service space, and appurtenances required
39 to provide television, telecommunication, and data transfer services
40 to the district and its residents, and provide facilities for a cable

1 television system, including the installation of wires, cables,
2 conduits, and appurtenances to service the district and its residents
3 by franchise or license, except that the district may not provide or
4 install any facilities pursuant to this subdivision unless one or more
5 cable franchises or licenses have been awarded under Section
6 53066 and the franchised or licensed cable television and
7 telecommunications services providers are permitted equal access
8 to the utility trenches, conduits, service spaces, easements, utility
9 poles, and rights-of-way in the district necessary to construct their
10 facilities concurrently with the construction of the district's
11 facilities. The district shall not have the authority to operate
12 television, cable, or telecommunications systems, except as
13 provided in Section 61100. The district shall have the same powers
14 as a city or county under Section 53066 in granting a franchise or
15 license for the operation of a cable television system.

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